

REMARKS

The Examiner is thanked for the examination of the application. In view of the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

The undersigned expresses appreciation to Examiner Danneman for taking the time to discuss this application in the interview of August 26, 2008. During the interview, an exemplary application of the subject matter at hand here was discussed. Specifically, the undersigned referred to Figs. 6a-6g of the present application. In Fig. 6a, a first known product, in the form of a sanitary napkin, is shown. In Fig. 6g, a second known product, in the form of a tampon, is shown. Figs. 6b-6f show intermediate presentations where characteristics from the sanitary napkin and the tampon are morphed together in a single product. In this way, potential consumers can more readily understand the attributes of the new product as an evolution of familiar products, in this non-limiting example. Thus, a non-limiting example of a potential application of the claimed subject matter was presented to the Examiner to distinguish the claimed subject matter from the prior art of record.

Claim 1 pertains to a process of informing a consumer of a new product, or advertisement, where first and second known products, each having similar functions and at least one characteristic are visually presented to the consumer. The consumer is presented with an intermediate visual presentation where the appearance of the at least one characteristic of the first product is changed to more closely resemble the at least one characteristic of the second product. An example of such an arrangement is provided in the specification of the current application where it is discussed that this process may provide a visual "morphing" of products

to a consumer (Paragraph [0009] of the U.S. Patent Application Publication of this application). However the present invention is not limited to the preferred disclosed embodiments.

Claims 1, 2, 5-7, 10, 11 and 14-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jain et al ("Jain", U.S. Patent Application Publication No. 2003/0195793). Jain pertains to the design and analysis of marketing research activity and data. Jain discloses a system where a merchant specifies one or more objectives to be achieved by the system. An example of some objectives are a product preference test, new product acceptance and comparisons with other products. Paragraph [0064]. The system deploys a research approach design that is adaptable to each customer depending on what information is received from the customer and what is missing. Specifically, the number and selection of participants may be adjusted, or the research design itself may be adjusted. The research approach may include a product comparison. Paragraph [0173]. Modifying the research design includes modifying the experiment, the survey questionnaire or campaign parameters to suit an individual customer. Paragraph [0173]. In one instance, the research design may focus on obtaining feedback or comparison with another product from a customer who has already purchased a product. Paragraph [0173]. Thus, the research design refers to a method of obtaining information from a customer. To obtain information in an efficient manner, the research design may be dynamic, and adaptable to individual customers.

Independent Claims 1, 5, 10 and 17 each provide for, *inter alia*, presentation of a first, known product having at least one function and at least one characteristic capable of visualization, presentation of a second, known product having at least one

known function similar to the at least one function of the first known product and at least one characteristic capable of visualization. The claims further recite that a potential customer is presented with "one or more intermediate visual presentations of at least one of the first and second products by changing the appearance of said at least one characteristic of said first product to more closely resemble said at least one characteristic of said second product." Jain, neither alone nor modified as proposed, discloses these claimed features.

As noted above, the dynamic research approach design of Jain is essentially a survey that is adaptable or customizable to a specific customer or group of customers. The research approach is adaptable/customizable by taking into consideration a customer's previous purchase history, previous responses to research designs, and other available data. The approach identifies missing information for each customer, and then proposes asking the customer questions to fill in the missing information. See Table 2. In some cases, the feedback sought by the research approach will pertain to a comparison of products. As the Official Action correctly notes, Jain does not disclose presenting visual images of the products. However, the Official Action concludes that it would have been obvious to a person of ordinary skill in the art to provide the customers with models, visual images, multi-media images and similar tangible attributes which the target group can easily grasp the differences in product attributes presented by the research approach.

Thus, the Official Action appears to suggest that it would have been obvious to present the consumer with a visual representation of one product in a survey. Further, it appears the Official Action suggests that in the case where the research

approach seeks comparison with other products, it would provide a visual representation of the other product, so the customer can "easily grasp the differences in products attributes." However, nowhere in the disclosure of Jain, is it discussed that a new product, based on characteristics of two other known products, may be presented to the customer. Jain merely discloses a method of efficiently obtaining information from users, i.e. a survey, but does not disclose the presentation of a third, new product to the consumer, where the new, intermediate product changes the appearance of at least one characteristic of the first known product to more closely resemble the second known product.

Nor is Jain concerned with presenting an intermediate visual presentation of a new products, where the new product has at least one characteristic of the first known product changed to more closely resemble the at least one characteristic of the second product. Paragraph [0174] briefly discusses that advertisements may have different values of attributes. However, these attributes are based only on a first product. See also Table 2. There is no disclosure that the attributes are changed to more closely resemble attributes of a second product. In other words, an advertisement highlighting attributes for which feedback from Joe (in Table 2) is sought, is based solely on the product for which the importance of the two attributes is now known, i.e. the advertisement is based on a single product. Because the proposed modification of Jain still fails to disclose an intermediate visual presentation together with the other features recited in Claims 1, 5, 10 and 17, withdrawal of this rejection is respectfully requested.

Applicant appreciates the Examiner's citation of specific passages in the references that are believed to relevant. However, it remains unclear precisely

which features are considered to correspond to the claimed features. Specifically, it is not clear which features of Jain are considered to correspond to the claimed second known product and visual presentation of the new product. In the event that the rejection based on the disclosure of Jain is maintained, Applicant respectfully requests citation to specific language of reference numbers in Jain which are considered to correspond to the claimed features, so that future communications may more accurately address any existing issues..

The remainder of the claims ultimately depend from one of the independent Claims 1, 5, 10 or 17, which are allowable. For at least this reason, these claims are also allowable.

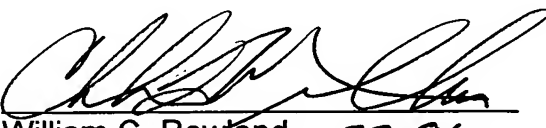
Early and favorable consideration is respectfully requested. In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:


for William C. Rowland
Registration No. 30888 33096

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620